

Panaji, 4th January, 1990 (Pausa 14, 1911)

SERIES II No. 40

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 5/23/87-PER

Read: 1) Order No. 6/35/86-PER dated 16-10-1987.
2) Order No. 5/23/87-PER dated 25-11-88.

The terms of deputation of Smt. Maria Angelica Rodrigues, Grade II Officer of the Goa Civil Service, presently on deputation as Under Secretary (Law), is hereby extended by one year with effect from 16-10-1989 to 15-10-1990.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 15th December, 1989.

Home (General) Department

Order

No. 13/3/84-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (Central Act 65 of 1980), the Government of Goa being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, North Goa District, Panaji and District Magistrate, South Goa District, Margao, that it is necessary so to do hereby directs that the said District Magistrates may also if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of their jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 18th December, 1989.

Order

No. 1/58/89-HD(G)

Government is pleased to appoint Dr. Emerico de Souza, School Health Officer, under the Directorate of Health Services, Panaji, as 'Police Medical Officer' by transfer on deputation in the pay scale of Rs. 2200-4000 plus N.P.A. as per rules, in the Office of the Inspector General of Police, Panaji, with immediate effect and initially for a period of one year.

2. The appointment of Dr. Emerico de Souza as Police Medical Officer will be governed by the standard terms of deputation laid down by the Government of India, Ministry of Finance (Department of Expenditure) in their Memo No. 10(24) E-III/60 dated 4.5.1961 and as amended from time to time.

3. Dr. N. V. Raikar, Police Medical Officer on deputation to Police Department stands repatriated from the post of Police Medical Officer from the date Dr. Emerico de Souza takes over the charge from him and he shall report to the Director of Health Services for further posting.

4. This issues in consultation with Goa Public Service Commission vide their letter No. COM/1/437(1)/89 dated 30th October, 1989.

By order and in the name of the Governor of Goa.

A. T. Kamat, Under Secretary (Home).

Panaji, 15th December, 1989.

Revenue Department

Notification

No. 22/171/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Government Primary School at Bharanwada Camurlim in Bardez Taluka.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector/S.D.O., Mapusa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorise under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector/S.D.O., Mapusa.
3. The Director of Education, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector S.D.O., Mapusa for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Talukā: Bardēz

Village: Camurlim

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
26/1	Smt. Vithal Vaman Prabhu Moye.	3695.00
81/1 part	Smt. Elsa Mendonsa.	305.00

Boundaries:

North: S. No. 26/1.

South: S. No. 81/1, 2, 3, 4 & 5.

East: S. No. 26/1 and 81/2.

West: S. No. 26/1 & 81/1.

Total 4000.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 30th November, 1989.

Notification

No. 22/173/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for widening of road from Mapusa Housing Board Colony to Marna in Bardēz.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector/S.D.O., Mapusa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector/S.D.O., Mapusa.
3. The Executive Engineer, Works Division II, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector/S.D.O., Mapusa for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Talukā: Bardēz

Village: Marna

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
85/1 part	Damião Fernandes.	125.00
85/15 part	Comunidade.	250.00
92/6 part	Maria P. Fernandes.	250.00
91/5 part	Minguel F. Fernandes.	100.00

Boundaries:

North: Road.

South: Road.

East: S. No. 85/1 part, 85/15 part and Road.

West: S. No. 92/6 part & 91/5 part and Road.

Total 725.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 30th November, 1989.

Notification

No. 22/168/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of extension road to first Palvern road in V. P. Chinchinim (Addl. area) Part.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector (LA) Collectorate of South Goa, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Deputy Collector (LA) Collectorate of South Goa, Margao.

3. The Executive Engineer, W. D. VI (R&B) P.W.D., Fatorda, Margao.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (L.A.) Collectorate of South Goa, Margao for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Salcete

Village: Chinchinim

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
306/17	1. Luiza Mariano Rodrigues. 2. Caetano Filiph Rodrigues.	25.00
306/18	1. Maria J. I. O. Colao e Menezes. 2. Marionetanine Rodrigues.	4.00
Boundaries:		
North: S. No. 306/10.		
South: S. No. 306/17.		
East: S. No. 306/10.		
West: S. No. 306/10.		
Total		29.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 4th December, 1989.

Notification

No. 22/152/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of 8.00 mts. 3 span culvert & approach road from Pirla to Sulkornem in Quepem Taluka.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector/S.D.O., Quepem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.

2. The Deputy Collector/S.D.O., Quepem.

3. The Executive Engineer, W. D. XVIII (R&B) P.W.D., Ponda

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector S.D.O., Quepem for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Quepem

Village: Sulkornem

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
6 part	Pia Sociedade Salecian of Jurav Basco or Salecian Don Bosco.	4200.00
4 part	Don Bosco Farm.	6525.00
Boundaries:		
North: Road.		
South: S. No. 15, Colomb village.		
East: S. No. 6, S. No. 4 & S. No. 5.		
West: S. No. 6, S. No. 4 & S. No. 5.		
Total		10725.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 7th December, 1989.

Notification

No. 22/145/88-RD

Whereas by Government Notification No. 22/145/88-RD dated 17-11-1988 published on page 409-410 of Series II, No. 38 of the Official Gazette dated 29-12-1988 and in two newspapers (1) Sunaprant dated 23-11-1988 (2) Navprabha dated 28-11-1988 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for the construction of Oratori road in V. P. Ambelim, Salcete.

And Whereas, the Government of Goa (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector (S.D.O.) Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector (S.D.O.) Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete

Village: Cuncolim

Survey No. Sub. Div. No.	Name of the persons believed to be interested	Area in sq. mts.
1	2	3
480/1 part	Narciava Valdia.	200.00
2/2 part	Vathaidas Y Pai Kakoda.	200.00

1	2	3
490/3 part	Maria Joana Rebello.	350.00
" /4 part	1. Profilio Coutinho.	60.00
	2. Andre Coutinho.	
	3. Zemao Coutinho.	
	4. Lino Coutinho.	
" /5 part	Francisco D'Mello.	90.00
" /6 part	1. Profilio Coutinho.	190.00
	2. Andre Coutinho.	
	3. Zemao Coutinho.	
	4. Lina Coutinho.	

Taluka: Salcete

Village: Ambelim

490/7 part	Jose Francisco Soares.	155.00
" /8 part	Francisco D'Mello.	133.00
" /9 part	1. Profilio Coutinho.	175.00
	2. Andre Coutinho.	
	3. Zemao Coutinho.	
	4. Lino Coutinho.	
" /10 part	1. Josefina Rego.	135.00
	2. Martin Soares.	
" /11 part	1. Alexiano Coutinho.	75.00
	2. Fuloriano Coutinho.	
" /12 part	Luis Mariano Soares.	150.00
495	1. Alexinha Colaco.	2200.00
	2. Angus Colaco.	
	3. Agustin Colaco.	
	4. Maria Loudina Colaco.	
	Carmina Colaco.	
496/1 part	1. Leao Gabriel.	1225.00
	2. Magno Noronha.	
	3. Argentina Lourenco.	
" 2/ part	Shrinivas D. Pai Kakode.	550.00

Boundaries:

North: S. No. 495, S. No. 496/1,
2, S. No. 490/1, 2, 3, 4, 5, 6,
7, 490/8, 9, 10, 11, 12.

South: S. No. 495, S. No. 496/1,
2, S. No. 490/1, 2, 3, 4, 5, 6, 7,
8, 490/9, 10, 11, 12 & 18.

East: Road.

West: Village boundary of Ambelim.

74/1 part	1. Raimundia Colaco.	1525.00
	2. Basilio Colaco.	
	3. Floria Colaco e Barros.	
83	Jose L. S. Tereza Colaco.	225.00
84	1. Jose Fernandes.	4785.00
	2. Unrizio Teodar Fernandes.	

Boundaries:

North: Road, S. No. 82.

South: S. No. 82.

East: S. No. 74/1, S. No. 83,
84, 78/1.

West: S. No. 73/11, S. No. 74/1,
S. No. 84, 82.

82	Berto Colaco.	3750.00
78/1 part	Tito Vaz.	2500.00
" /2 part	Alvito M. N. J. Pedro Colaco.	535.00
" /3 part	Tito Vaz.	615.00
" /4 part	Alvito M. N. J. Pedro Colaco.	1950.00
86	Antonio Amas Viegas.	225.00

Boundaries:

North: S. No. 78/1, 2, 3, 4,
S. No. 86/1 in Village Am-
belim and S. No. 274/14 in
village Velim.

South: 78/1, 2, 3, 4 and 86/3.

East: Village boundary of
Cuncolim and S. No. 86/1.

West: S. No. 82 in village Am-
belim and S. No. 274/14 in
village Velim.

Taluka: Salcete

Village: Velim

274/14 part	Donaltin Peris.	880.00
274/15 part	Nortan Peris.	145.00

1	2	3
276/5 part	1. Ralph Colaco.	65.00
	2. Francisco Colaco.	
	3. Mira Colaco.	
	4. Nila Colaco.	

Boundaries:

North: Road.

South: S. No. 276/5.

East: S. No. 274/15, 14 in vil-
lage Velim and S. No. 86/1, 3 in
village Ambelim.

West: S. No. 274/15, 14, S.
No. 276/5 in village Velim.

Total 23088.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 8th December, 1989.

Notification

No. 22/174/89-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for setting up Institute of Petroleum Safety & Environment Management for Petroleum Industries of India, at Betul, Village Quitol, Taluka Quepem.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector/S. D. O., Quepem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector South Goa District, Margao.

2. The Deputy Collector/S. D. O. Quepem.

3. The Director, Oil and Natural Gas Commission, Institute of Petroleum Safety and Environment, Margao.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector/S. D. O. Quepem.

for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Quepem

Village: Quitol

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
68/1	Church of Betul.	30450.00
68/2	Comunidade of Quitol.	275.00
68/3	— do —	100.00
69/1 part	1. Rui Tito Vaz. 2. Rafayal M. Fernandes.	9575.00
71/4	1. Vinodkumar Shantilal Gosalia. 2. Church of Betul.	44000.00
71/5 part	1. Damaciano Cardoz. 2. Rosalina Cardoz.	45600.00
71/6	3. Maria August Cardoz. 1. Damaciano Cardoz. 2. Rosalina Cardoz.	2350.00
71/7	3. Maria August Cardoz. Damaciano Cardoz.	475.00
71/8	1. Maria August Cardoz.	1475.00
71/9	Rosalina Cardoz.	1200.00
71/10	Damaciano Cardoz.	600.00
71/11	— do —	525.00
73	1. Vinodkumar Shantilal Gosalia. 2. Church of Betul.	61425.00
74	Fachu Loyola.	93025.00
75	Vinodkumar Shantilal Gosalia.	222925.00
76/1	1. Constantino Fernandes.	42850.00
76/2	1. — do —	825.00
77/1	1. Vinodkumar Shantilal Gosalia.	94250.00
77/2	1. — do —	1300.00
79 part	1. Avelin Fernandes. 2. Minguel Fernandes.	140000.00
82/1 part	1. Comunidade of Quitol. 2. Vinodkumar S. Gosalia.	112000.00
82/2	Fabrica of Quitol.	3775.00
82/3	— do —	2075.00
82/4	— do —	75.00
82/5	Comunidade of Quitol.	2475.00
82/6	Church of Betul.	250.00
82/7	— do —	2850.00
82/8	— do —	1000.00
82/9	Comunidade of Quitol.	575.00
82/10	Comunidade of Quitol.	2,250.00
82/11	— do —	1,100.00
82/12	Santana Dias.	1,200.00
"13	— do —	25.00
"14	— do —	200.00
"15	— do —	3,150.00
"16	— do —	800.00
"17	— do —	200.00
"18	— do —	1,000.00
"19	— do —	400.00
"20	— do —	600.00
"21	— do —	725.00
"22	— do —	2,175.00
"23	— do —	150.00
"24	— do —	375.00
"25	— do —	573.00
"26	— do —	1,200.00
"27	— do —	175.00
"28	— do —	300.00
"29	— do —	1,300.00
"30	— do —	1,100.00
"31	— do —	950.00
"32	— do —	1,550.00
"33	— do —	375.00
"34	Comunidade of Quitol.	1,525.00
"35	— do —	750.00
"36	— do —	3,600.00
"37	— do —	600.00
"38	— do —	2,300.00
"39	— do —	1,650.00
"40	— do —	1,350.00
"41	— do —	450.00
85/1 (part)	— do —	19,100.00
"2	— do —	850.00
"3 (part)	— do —	550.00
86 (part)	— do —	4,775.00
87/1	— do —	11,700.00

87/2	Fabrica de	650.00
87/3	Comunidade of Quitol.	175.00
87/4	— do —	100.00
87/5	— do —	825.00
88 (part)	Rui Tito Vaz.	25,750.00
92 (part)	Pia Fernandes.	4,125.00
Total		10,24,000.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 13th December, 1989.

Notification

No. 22/180/89-RD

Whereas it appears to the Government of Goa, (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for Science Museum and other development in the area at Miramar including environmental Park.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act the Deputy Collector (Rev) Collectorate of North Goa District, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector (Rev) Collectorate of North Goa District, Panaji.
3. The Chief Town Planner, Town & Country Planning Department, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Rev) Collectorate of

North Goa, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Tiswadi

City: Panaji

P. T. S. No. Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
141/2 part	Shri Subrai Pandurang Kamat Mahamaya.	4654.00
140/15 part	Bentiz A. Noronha Souza.	2457.00
135/3 part	Antonio C. V. Dias.	17475.00
135/1/2	Dr. Joao Filipe de Rege. Mr. Bentiz A. de Noronha Souza.	931.00
135/2/2	1. Dr. Jose Filipe de Rego. T: Gangu Narayan Gavas.	575.00
" /3/2	Mr. Beatriz A. de Noronha Souza. T: Kava Guno Gavas.	306.00
" /4/2	Dr. Jose Filipe de Rege. T: Gangu Narayan Gavas.	19.00
" /5/2	Mr. Beatriz A. de Noronha Souza. T: Kuva Guno Gavde.	675.00
" /6/2	Dr. Jose Filipe de Rege. T: Gangu N. Gavas.	584.00
" /7/2	Mr. Beatriz A. de Noronha Souza. T: Krishna Murgauonkar.	637.00
" /8/2	Dr. Jose Filipe de Rege. T: Gangu Narayan Gavas.	675.00
" /9/2	Mr. Beatriz A. de Noronha Souza. T: Yava Guno Gavas.	800.00
" /10/2	Dr. Joao Filipe de Rege. T: Gangu N. Gavas.	790.00
" /11/2	Mr. Beatriz A. de Noronha Souza. T: Krishna Murgaukar.	875.00
" /12/2	Dr. Joao Filipe de Rego. T: Gangu Narayan Gavas.	1575.00
135/13/2	Mr. Beatriz A. de Noronha Souza.	450.00
141/1 part	Dr. Joao Filipe de Rege.	3450.00

Boundaries:

North: P. T. S. No. 141 Chalta
No. 1, 3, 6/135.
South: 2 part 142, 3/140, 2/140.
East: 7/135, 2/135, 3 part 135,
3/140 4/140, 15/140, 2/142.
West: 1/141, 2/142.

Total 37528.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 28th December, 1939.

Department of Mines

Order

No. 96/418/88-Mines

In exercise of the powers conferred by sub-section (2) of section 8 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), read with sub-rule (2) of rule 24A of the Mineral Concession Rules, 1960, the Government of Goa hereby renews the mining lease with the previous approval of the Central Government in favour of Smt. Kunda Raghuvir Gharse (hereinafter referred to as 'The lessee') for undertaking mining operations for Iron ore in the area shown in the schedule appended to this Order for a period of 10 years subject to the special conditions as laid down hereunder to be incorporated in the lease deed which shall be executed by the Lessee and the Governor of Goa.

1. The Lessee shall carry out at his expenses such experiments on remedial measures as directed by the Director of Industries and Mines, Government of Goa or any other officer authorised by him and shall report the result to him.

2. The Lessee shall allow, co-operate with and provide all facilities to the experts authorised by the Government to carry out research work or experiments on remedial measures in his leased area or dumping sites.

3. The Lessee shall, at his own expenses undertake remedial measures to the satisfaction of the Director of Industries and Mines, Government of Goa (hereinafter called Director of Industries and Mines) to prevent damage to the agricultural or forest lands due to flow of mining rejection or wastes or slimes resulting from his mining operations, within a reasonable time or such time as may be directed by the Director of Industries and Mines.

4. If the Director of Industries and Mines or the officer authorised by him in this behalf, is of the opinion that any active dump causes or will cause damage to the agricultural or forest land, which cannot be prevented, he may by order in writing, direct to stop further dumping on such dump. No such order shall however be made unless the Lessee is afforded a reasonable opportunity of stating his case.

5. The Lessee shall undertake to rehabilitate the land left over after the mining operations are concluded, through soil conservation measures to the satisfaction of the Government and within such reasonable time as the Government may by an order in writing specify.

6. In the event of the failure on the part of the Lessee to undertake the aforesaid measures within the stipulated period the Government without prejudice to any other action it may take against the Lessee, may take the requisite steps to rehabilitate the said land and recover the expenses incurred for such work from the Lessee as arrears of land revenue.

7. The Lessee shall undertake necessary measures to consolidate the dumps by planting suitable species of grass, legumes, or trees, etc as may be directed by the Director of Industries and Mines, from time to time.

8. The Lessee shall undertake to plant elsewhere within the leased area at least as many trees as are removed during the mining operations.

9. The Lessee shall not dump or allow it to be dumped any rejects at point within a distance of 100 metres from the bank of any river or nallah and 50 metres from the lease boundary, except with the previous written permission of the Government.

10. The Lessee shall not discharge or allow it to be discharged and muddy and slimy water from the beneficiation/washing plant and shall provide settling tanks of proper design and adequate capacity for settling solids so that only decanted water may overflow.

11. The Lessee shall undertake the work of desilting of drains and streams outside the leased area periodically to prevent them from being choked and shall provide check dams to facilitate the settling of suspended solids.

12. The Lessee shall take necessary steps not to overload or allow it to be overloaded the trucks carrying the ore/rejects from the leased area to any loading point or stockyard.

13. The Lessee shall make and pay such reasonable compensation to the owner or tenant or occupant of the land or property situated in the leased area or in the vicinity of the leased area which is damaged or injured or disturbed as a result of mining operations or due to the flow of mining rejects, slimes or wastes from the mine as the case may be, as may be assessed by the Collector South Goa in accordance with the law in force on the subject and shall indemnify or keep indemnified fully and completely the Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

14. The Lessee shall obtain surface rights or obtain consent of the owner/occupied of land before entering the land for commencement of mining operations in the area.

Smt. Kunda Raghuvir Gharse shall on peril of revocation of this Order execute within a period of 180 days from the date of communication of this Order a deed of lease as con-

templated under rule 31 of the Mineral Concession Rules, 1960.

SCHEDULE

District	Taluka	Village	Area in hectares
South Goa	Sanguem	Patiem and Tudou	100.00 ha.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Mines).

Panaji, 20th November, 1989.

Department of Labour

Order

No. 28/60/89-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Zuari Agro Chemicals Limited and Shri Deepak Kharangate Contractor, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Zuari Agro Chemicals Limited, Zuarinagar, and Shri Deepak Kharangate, Contractor, in refusing employment to Shri Anthony Oliveira, Storekeeper, with effect from 10-4-1989 is legal and justified?

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 5th December, 1989.

Order

No. 28/62/89-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Sahi Oretrans (Pvt.) Limited, Vasco, and their workman Shri P. K. Bansal in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

(1) "Whether Shri P. K. Bansal, Resident Manager of M/s. Sahi Oretrans Pvt. Ltd., Vasco, is a workman under section 2(s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?"

(2) If so, whether the action of the management of M/s. Sahi Oretrans Pvt. Ltd., Vasco, in terminating the services of Shri P. K. Bansal with effect from 8.8.1989 is legal and justified?

(3) If the answer to (2) above is negative, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 5th December, 1989.

Order

No. 28/69/89-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Kadamba Transport Corporation Limited, Panaji, and their workman Shri Bombi Bhicar Gavde in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Kadamba Transport Corporation Limited, Panaji, in dismissing Shri Bombi Bhicar Gavde, conductor, with effect from 6-7-1988 is legal and justified?

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 5th December, 1989.

Order

No. 28/5/85-LD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 3rd March, 1989.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Ref. No. IT/21/85

Shri Sadanand Diukar

V/s

M/s Kadamba Transport Corporation

Workman represented by Adv. Tina Xavier

Employer represented by Shri P. K. Lele

—Workman

— Employer

Panaji. Dated: 2.2.89

AWARD

This is a reference made by the Govt. of Goa, by its order No. 28/5/85-ILD dated 24th April, 1985 with an annexure scheduled thereto which reads as follows:

"Whether the action of the employer, M/s Kadamba Transport Corporation Limited, Panaji-Goa in terminating the services of their workman, Shri Sadanand Diukar,

Driver, with effect from 31st December, 1983 is legal and justified.

If not, to what relief the workman is entitled to?"

After the above reference was received and the case was registered and notices were issued to the parties the workman Sadanand Diukar herein after referred to as the driver filed his claim statement on 24-7-85 to which the Kadamba Corporation filed its Written Statement on 7-8-85. The Workman filed rejoinder on 16-8-85. On going through the pleadings my Predecessor by his order dt. 16-9-85 held that besides the Government reference no other issues were necessary. Thereafter the parties went on trial.

The evidence recorded on behalf of the employer Kadamba Corporation consists of its Assistance Traffic Controller Anand Desai; the Conductor on the bus by name John D'Costa; the Assistance Branch Manager of Margao Depot Jain Dessai who is an automobile Engineer. All the evidence was recorded before me in October and September last year. The Depot Manager by name Vallab Cuncollenkar was already examined in February, 1986. His cross examination was done before me in January 1988. This is how the matter was rather protracted. The Workman had engaged a lawyer but he was irregular in attendance. Anyhow his evidence was recorded on 6th Dec, 88 and matter was posted for Arguments. His advocate Tina Xavier has strenuously argued the matter for him to show how the order of termination is wrong, unjust and improper. This is the case of the removal of the driver from service by the Corporation and the facts are to be studied rather carefully to see whether injustice is really done to the workman driver by terminating his services. At this stage I shall broadly discuss the facts which emerged from the record and I shall start with the evidence of the workman driver. The facts are admitted on behalf of both the parties so far as the accident to the bus No. GDX 70 driven by the driver was concerned.

The driver who was appointed by the Kadamba Corporation on 4.6.83 by the appointment letter Exh. E-1 was taking the bus on 22.6.83 at 7.00 a. m. from Pollem to Margao. On the way he took passengers at Chavdem and after a distance of about one kilometer was covered by him a private bus by name Anandi was coming from the opposite direction, in great speed according to him. The road was narrow and those were the days of rainy season. This driver gave a signal with light inviting the opposite vehicle to stop. As that opposite bus started coming forward this driver workman stopped his bus on the left side Kaccha road. While he was stopping the bus at the left side the bus turned on its left side and the bus collapsed on its left side and fell into a nearby field. He made use of the emergency door on the driver's side and came out and also brought out some passengers. Some passengers broke the window panes and came out. Miraculously no passengers were seriously hurt and the driver himself went to the police station to give the report. This is the gist of the evidence of the workman. I shall hold the scrutiny of this evidence to see how far he is telling the truth in the whole matter.

On the showing of the driver himself he gave the light signal inviting the other vehicle coming from opposite side to stop. I do not understand why giving such a signal was necessary and it was broad day light and on the highway normally two vehicles pass by the side of each other. Giving a light signal is necessary only if overtaking another vehicle is being done or overtaking a stationary vehicle and at the same juncture other vehicle is coming from the opposite direction. So the story of giving the light signal is a myth and is clearly an after thought.

The second point is about the stopping of the bus on the left side of the road. If the driver had really stopped the bus by the left side of the road by applying the breaks and the bus had fallen into the nearby ditch the damage would not have been so heavy as is in the instant case. The facts in this case belie the driver on both the counts. This is a clear case where the principal of Res Ipsa Locutor meaning thereby that the facts speak for themselves can be invoked. It may be stated here that the man may lie but the facts and circumstances would not lie and this is evident from the two photographs which are produced at Exh. E-8. The first photograph shows that the bus has fallen on its left side completely with all the wheels visible. Not only this but the bus dashed against a telephone pole by bending it into an 'L' shape. This speaks a volume and the pole would not have bent unless it was dashed with great speed. This photo is taken from the elevation of the road. The second photograph taken from another angle from the paddy field shows that the road is about 5 feet in height from the ditch and the entire

things indicate that the driver as well as the passengers were fortunate enough in escaping with minor injuries. Smt. Tina Xavier arguing the case for the driver did urge before me that the driver should be complimented and he deserves a reward for saving a headon collision by taking the bus on the left side of the road. I would have certainly considered this aspect if there was something on record showing that the driver had shown presence of mind on the spur of the moment. The facts however indicate to the contrary. Besides the photographs there are other circumstances which go directly against the driver.

The spot panchanama drawn on the same day gives certain facts and figures. The tar road at the relevant spot is 4.60 meters in width. There are strips of kaccha road on both sides which are one meter in width. These shows that the total width of the road was 6.50 meters that is about 20 feet. The road which is 20 feet in width is sufficient enough to allow the two vehicles coming from opposite direction to safely pass by the side of each other and at the most one of the vehicle could have partly passed on the tar road and partly on the kaccha road. This is an event occurring at broad day light and proper judgement at the spur of the moment was necessary. However the facts show that there was a gross error of judgement on the part of the Kadamba bus driver because his bus went into the side by ditch which was 5 feet deep while the other bus Anandi went away safely even without stopping. This by itself indicate that incoming Anandi bus was not the cause for the accident but the cause for the accident lies somewhere else. I shall study this aspect from the panchanama. The panchanama shows that there were wheel marks i.e. break marks on the left side of the road upto a distance of 27.10 meters i.e. about 84-85 feet. Not only this but the construction of the road for a distance of about 14 meters appeared to have been demolished from the left end of the road. The road at this juncture was at a height of about 5 feet from the field and these facts by itself could have ordinarily cautioned a driver about the possible catastrophe. The third aspect is the bent on the telephone pole which was in the middle of the field. The facts herein indicate that after the driver applied the breaks the bus skidded for a distance of 27 meters and thereafter non-stop it rushed into the field and it stopped dashing only against the telephone pole and by bending it. The conductor of the bus says that the speed was 45 km per hour. while the driver says that the speed was 25 to 30 km per hour. The fact that Kadamba Corporation have just started functioning about a couple of years back would indicate that its fleet of buses consisted of brand new buses. In that case, if the speed was really 25-30 kmp and if the driver had instantly applied the breaks on sensing trouble the bus would have stopped on the spot. The position, however is quite the contrary. The evidence of Jayant Dessai, the Assistant Branch Manager of the workshop shows that he went there on getting the report of the accident and saw that the bus was lying in the field tilted on one side and there were indicating signs showing that before entering the field the bus had tyre marks on the road and as well as in the field and it stopped only after hitting the telephone pole. He estimated the damage to the bus at between Rs. 15 to 20 thousand. He has produced the report as well as the repair charges of Bismark garage which are at Exh. E-7 colly. The report shows that the left side was damaged in full length, the left side roof top was bent and torn and the front wind screen glass level had bent and tilted. All the incidents of damage are neither denied nor challenged.

A careful reading of the evidence on record indicates that this is a case where there is error of judgement but the precise reason why the accident took place is not on record. The driver who was temporary in service was issued a show cause notice and the departmental enquiry was held. There is a map of the road showing the position of the brake mark and the pucca road. The brake mark of 27 meters is quite a distance. The charge sheet Exh. E-3 says this: "That you tried to overtake the private vehicle 'Anandi' in speed and on seeing a vehicle coming from opposite direction you steered the vehicle on the near side of the road to avoid head on collision. Rightly or wrongly this story is given up by the Kadamba Corporation in this trial because its representative Shri Lele said in Open Court that they were not relying on the domestic enquiry and they were going to prove their case by evidence in the trial in the Court. This charge sheet is issued on 29.6.83 and what is stated in the charge sheet seems to be true and correct. It appears that in his attempt to overtake 'Anandi' the driver saw another vehicle coming from the opposite direction and gave the light signal to that vehicle to stop and as that vehicle did not stop he took the bus to the left side, applied the brake and thereby dragging the vehicle upto a distance of 27

meters and thereafter entered the field and dashed against the telephone pole. It is the telephone which seems to have saved the lives of the passengers. All these facts indicate that the vehicle was in great speed and whenever overtaking is being done the vehicle is bound to be in great speed.

Whatever may be the reason for taking the bus on the extreme left side this is the case of error of judgement indicating rash and negligent driving. The driver in the first sentence of his examination in chief states that he joined the services of K. T. C. as a driver on 4.6.83 and the accident took place on 22.6.83. In that case he was purely temporary driver and for his dismissal a departmental enquiry was not necessary and ordinarily the order of dismissal should not call for interference. Smt. Tina Xavier tried to tell me that the driver was on training for two to three months before the letter Exh. E-1 of appointment was issued on 4.6.83. There is no evidence to that effect. The admission of Cuncolienkar that the driver was in service for the two months makes no difference because the driver himself states that he joined the service on 4-6-83. This is the case where within one month of service the driver caused the accident causing damage to the tune of Rs. 20,000 and the corporation felt that it was hazardous to keep such a driver into service. The Corporation gave opportunity to the workman; held an enquiry even though it was not necessary to do so and ultimately relieved him from service. This is a matter where the Corporation had acted within its rights and no injustice seems to have been caused to the driver. No case law is cited in this case nor any principles of law invoked. This is the case of the appreciation of broad facts and I have discussed them in details in the foregoing paragraph I feel that the action of the management of the corporation in dismissing the driver who caused the major accident within one month of service is just and proper and the same does not call for any interference. In the result, I pass the following order:

ORDER

The action of the employer M/s Kadamba Transport Corporation, Panaji-Goa in terminating the services of their workman Shri Sadanand Diukar, driver w.e.f. 31.12.83 is legal and justified and the same does not call for any interference.

Consequently the Party I Driver is not entitled to any relief in this case.

The parties do bear their own costs.

Inform the Government accordingly about the passing of the award.

S. V. Nevagi
Presiding Officer
Industrial Tribunal

Order

No. 28/4/86-LD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Ind. & Labour).

Panaji, 8th March, 1989.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Ref. No. IT/12/86

Shri R. L. Carrasco
V/s

—Workman/Party I

M/s Sound Electronics

—Employer/Party II

Workman represented by Shri Subhas Naik.

Panaji, Dated, 7.2.1989

AWARD

This is a reference made by the Govt. of Goa, by its order No. 28/4/86-ILD dated March 25, 1986 with an annexure scheduled thereto which reads as follows:

"Whether the action of Shri August Branganza, Proprietor of M/s Sound Electronics, Arpora, Bardez-Goa, in terminating the services of Shri R. L. Carrasco, Accounts Clerk-cum-Typist with effect from 30-4-1984 is legal and justified?"

If not, to what relief the workman is entitled to?"

After the above Govt. reference was received in this office the matter was registered and notices were issued to the parties. The Party No. I workman filed his claim statement through the Secretary of the Union contenting interalia that Party II runs a musical band symphony and the workman was engaged by the management for supply of musical instruments etc. He was employed as an Accounts Clerk-cum-Typist on a monthly salary of Rs. 300 by the employer from 23-8-81. The services of the workman were illegally terminated by the employer on 30.4.84. According to him his services were terminated orally and without assigning any reason. He therefore raised an industrial dispute through the union claiming reinstatement with back wages. The details of the claim are given in annexure marked as Exh. A. The Party II by the Written Statement dated 19.2.88 contended that the claim is unjustified and averred that the Party I was not employed by M/s Sound Electronics at all. It is also denied that the workman served as a clerk for Rs. 300 per month. It is further stated that the workman abandoned his work on 2.5.84 when he received Rs. 165 in full and final settlement of the piece meal work which he was doing.

With these pleadings, I framed the issues on 22nd April 1988 and when the matter was further pending for hearing the workman died and by an application dated 23-6-88 the widow, 3 daughters and son of the deceased workman were brought on record as his legal representatives. Thereafter while the matter was further adjourned for hearing Adv. Luis D'Souza filed an application on 30.7.88 informing the Court that inspite of many letters he did not get any instructions from his client namely Party II/Employer and retired from the case. A notice of hearing was therefore issued to the Party II returnable on 21.9.88. The Party No. II remained absent on that day or on adjourned day fixed on 19.10.88 or 5.11.88. A fresh notice was issued to Party II returnable on 4.2.89. The Party II remained absent though duly served. Hence the evidence of the widow of the deceased workman Umlina Carrasco was recorded and according to her the services of her husband were terminated on 30.4.84 and her husband died on 9.12.86 during the pendency of this reference. She claimed that she and her 4 children are the only heirs to the deceased workman and they are entitled to whatever legal dues payable to the workman. According to her she has given the legal dues in para. 9 of the claim statement. She confines her claim to this only as there is no question of reinstatement. The issues are therefore answered accordingly and I pass the following order:

ORDER

It is hereby held that the action of Shri August Branganza, Proprietor of Sound Electronics, Arpora, Bardez Goa, in terminating the services of his clerk Shri R. L. Carrasco (since deceased) is not legal and justified. As the workman has died pending reference no question of reinstatement does arise.

However, the heirs of the deceased namely the widow and the children are entitled to the following amounts:

a) Notice pay (one month)	Rs. 300/-
b) Leave 45 days	Rs. 450/-
c) Gratuity 45 days	Rs. 450/-
d) Retrenchment compensation	Rs. 450/-
Total	Rs. 1650/-

The proprietor Shri August Branganza of Sound Electronics, Arpora, Bardez, Goa is hereby directed to pay the amount to the heirs of the deceased forthwith failing which the amount is recoverable according to law.

There shall be no order as to costs. Inform the Govt. accordingly about the passing of the award.

S. V. Nevagi
Presiding Officer
Industrial Tribunal

Order

No. 28/38/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 6th September, 1988.

**IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI**

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No. IT/43/85

Shri Ramnath Hari Bhat — Workman/Party I
V/s
M/s. Sunivas Constructions — Employer/Party II
Workman represented by Shri K. V. Nadkarni.
Employer represented by Adv. G. K. Sardesai.

Panaji. Dated: 30-8-1988.

A W A R D

This is a reference made by the Government of Goa, Daman and Diu by its order No. 28/38/84-ILD dated 6th Sept., 1985 with an annexure scheduled thereto which reads as follows:

"Whether the action of the employer M/s. Sunivas Constructions, Panaji in terminating the services of Shri Ramanath Hari Bhat, site Supervisor w.e.f. 24-5-1984 is legal and justified?

If not, what relief the workman is entitled to?"

After the above reference dated September, 6, 1985 was received the matter was registered and parties filed their pleadings. The statement of claim is filed by the workman on 18-10-1985. It appears that ex parte order was passed against Party II for non-appearance. The record shows that despite the objection by Party I my predecessor set aside the ex parte order and directed employer Party II peremptorily to file the written statement on 3-1-1986. Accordingly the written statement is filed on 3-1-1986 raising preliminary objections to the maintainability of the government reference on the ground that Govt. failed to apply its mind before making the reference. This objection was disputed by workman Party I by filing rejoinder on 20-2-86.

With these pleadings my predecessor framed the following two issues as preliminary issues on 24-3-1986 reading thus:—

1. Whether the employer proves that the reference is bad in law for non application of mind by the Government, while making the order of reference?
2. Whether the Employer proves that the reference is also bad and void ab-initio, as there was no demand on Sunivas Constructions?

After the framing of the issues the matter went on dormant file and after it was revived at my instance, the matter was heard on preliminary issues only. In support of its contention the management have examined the then Assistant Labour Commissioner Shri B. B. Naik as its witness on 12-4-1988. This is the only oral evidence recorded before me on the two preliminary issues. The evidence of Shri Naik assumes particular importance in this Govt. reference because the Govt. reference is made on the basis of the failure report sent after 20-8-1984 and now Party No. II has come forward with a case that the reference is bad in law. The two issues are now set out for consideration and it will be just and proper at this stage to recapitulate the facts leading to the Government reference.

All along, it is the case of the Party II employer that the workman was absent from duties w.e.f. 24-5-1984. This information was conveyed to the Labour Commissioner by a letter dated 9-6-1984. It is the consistent case of the employer that services of Party I were never terminated

by them but it is Party I who abandoned service on 24-5-1984 and since then he remained absent. The Govt. reference requires this Tribunal to say whether the order of the employer in terminating services w.e.f. 24-5-1984 is just proper or not. Hence the crucial point for determination is whether there was abandonment or whether there was a termination on 24-5-1984, it being a common ground that the Party I workman did not go for work from 24-5-1984 onwards.

It is therefore claimed that the reference is bad in law because the same is made on the basis of a presupposition that the service of workman was terminated on that day. In the absence of the oral testimony of the workman his pleadings will have to be studied. In his rejoinder dated 10-2-1986 the workman avers that on 24-5-1984, Shri Subhash Gaunekar, who was looking after the affairs of and controlling the work of Party II had orally asked him not to come for work and a case of oral termination is made out. The workman further states that on 28-5-84 he raised the dispute orally before Asst. Labour Commissioner. Acting on this the Asst. Labour Commissioner called the parties for discussion by a letter dated 1-6-84. In para 7 of the rejoinder the workman states that on 24-5-84 Shri Subhash Gaunekar who was the defacto employer of Sunivas group of constructions scolded the workman and there by the workman was compelled to leave the site and place of construction.

A careful reading of the facts and pleading shows that due to treatment given to him and bad words used by Gaunekar, he went away and raised the oral dispute before the Asst. Labour Commissioner who took cognizance of the dispute and issued the impugned letter dated 1-6-1984 leading to the conciliation proceedings. Hence what transpired between him after 1-6-1984 would be of material importance to understand the crux of the whole matter. For that purpose the record produced by Shri Naik and his oral testimony would be of great significance.

It is brought on record and it is also an almost admitted fact that during the conciliation proceedings the employer made an open and unqualified offer to take the Party No. I workman in service. The workman declined this offer on the ground that he would rejoin only if his salaries for the intervening period were given to him. The employer stuck to its offer to take him back but declined to pay salary for the intervening period on the ground that this was a case of voluntary abandonment. If this is really a case of voluntary abandonment and declining the offer to reemploy, then the question is whether the Govt. reference is bad in law.

This point is to be decided solely on the basis of the oral testimony of Shri Naik and the record produced by him including his failure report to Govt. In his evidence before me he states that he held series of discussion in the dispute. Relying on the rozanama of the proceedings he states that the management was prepared to allow the workmen to resume duties but the workman wanted back wages. Thereafter the workman expressed that the management may not allow him to rejoin unless there is an order in writing, Shri Naik suggested to the management to give a specific letter of reappointment. Initially on 25-8-1984 the management was reluctant to give such a letter. However on 27-8-1984 the management agreed but now the workman placed a note of discord by insisting that he would rejoin his duties provided the management gave him full back wages?

Hence he made a failure report to the Govt. wherein he had made it clear that "The management was ready for reinstatement but the matter failed because the workman insisted upon reinstatement with full back wages". In his failure report to Govt. dated 27-8-1984 Shri Naik has made it amply clear that Employer was prepared to take back workman in service but without back wages from 24-5-1984 while workman insisted for back wages from 24-5-1984. Both parties stuck to their views and so the proceedings ended in failure.

A careful scrutiny of the above facts shows that A.) The workman left the work site in a huff because he was insulted. His letter to Subhash Gaunekar dated 14-6-1984 states that at construction site at Margao the site Engineer had acted very rudely to him and had used bad language and had insulted him in presence of other labourers. This statement of the workman goes to show that he was offended by the site Engineer and not by Subhash Gaunekar. It seems he was offended because Subhash Gaunekar did not call the site Engineer and he did not reprimand him. Hence it appears

that this cool approach of the employer to the whole incident infuriated the workman who left the site in a huff. Considering this aspect for a limited purpose, it appears that this is not case of oral termination but this is a case of voluntary abandonment. In that case, the workman should not have spurned the offer for reinstatement and this is how we have to consider the Govt. reference in this context.

The Govt. reference is supposed to be with reference to an existing dispute. The question is whether a real dispute regarding reinstatement existed at all on Sept. 6 1985, the day on which the Govt. reference came to be made. A study of the failure report made by the Asst. Labour Commissioner shows that he had informed the Govt. that the management had offered to reinstate the workman. On the contrary the report went to show that there was an offer for reinstatement but the workman spurned this offer for whatever reason it may be.

Hence the Govt. reference is not proper in as much as there was no Industrial Dispute where under there was illegal termination of services. In the case of Sindhu res. Corporation V/s. Industrial Tribunal Gujarat reported in 1987 (1) L.L.J.P. page 834 where in the workman mainly claimed reinstatement, Govt. made a reference. The Tribunal awarded reinstatement and payment of wages. The Supreme Court held that there was no case for reinstatement and the reference was bad in law. I am considering this Supreme Court case for a limited purpose only. Here in this reference before me; on facts there is "no termination" within the strict meaning of the term. The Govt. has asked the Tribunal to find out whether M/s. Sunivas Construction's action in terminating the services is legal and justified. As there is no termination there is no question of finding out whether the termination was just and legal. On record there was a standing offer by the employer "to take back the workman supervisor in service". I do not know if that offer still holds good. Presuming that the offer still holds good and the workman is willing to rejoin after four years have elapsed. I state that the Party II may take him back in service. However the workman will not be entitled to back wages not only from 24-5-1984 to 27-8-1984, but till the day he rejoins. The workman may rejoin without getting wages for the intervening period and the management may grant him his seniority. These observations are obiter.

So far as the Govt. reference goes the same is not proper and it does not relate to any existing Industrial dispute.

I therefore answer the preliminary issues accordingly. As these issues directly touch the Govt. reference. I answer the same as per the order passed below.

ORDER

The Government reference dated September 6, 1985 does not relate to any Industrial Dispute which existed in the date of reference. The employer M/s. Sunivas Construction, Panaji not having terminated the services of the supervisor Ramanath Hari Bhat; there is no question of stating whether the termination is just proper or otherwise.

By way of relief to the workman the Party II employer may take back the workman in service w.e.f. the day he rejoins. Relief for back wages disallowed.

In the circumstances, Parties are directed to bear their own costs.

Inform the Government accordingly.

S. V. Nevagi
Presiding Officer
Industrial Tribunal.

Legislature Department

Addendum

No. LA/A/2266/1990

The following shall be added at the end after the order of the Governor of Goa, dated 10th December, 1989 published in the Official Gazette, Government of Goa, Extraordinary No. 3, Series II No. 36 dated 11th December, 1989:—

"Secretariat,
Panaji, Goa.
11th December, 1989.

M. M. NAIK
Secretary, Legislature."

M. M. Naik, Secretary (Legislature).
Panaji, 1st January, 1990.